

EXHIBIT A-6

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

NICKELS AND DIMES INC.)	
)	
Plaintiff,)	
)	CASE NO. 3:23-cv-699
v.)	
)	
NOAH'S ARCADE, LLC d/b/a FULL TILT,))	
BEN KONOWITZ, AND RYAN HART)	
)	
Defendants.)	

DEFENDANTS' INTERROGATORY ANSWERS

Defendants, Noah's Arcade, LLC d/b/a Full Tilt, Ben Konowitz, and Ryan Hart (collectively "the Defendants"), by counsel, submit their responses to the Plaintiff's Interrogatories.

The Defendants, by counsel, objects to all the duties, instructions, definitions and obligations of any type which proceed Plaintiff's First Interrogatories and First Requests for Production to the Defendants, and which Plaintiff attempts to impose on the Defendants. These are not agreed to between the parties under FRCP 29. These responses have been made according to FRCP 26 regarding the scope of discovery, FRCP 33 regarding Interrogatory Answers, FRCP 34 regarding Responses to Requests for Production, and case law interpreting those rules. The Defendants do not agree to any additional duties, instructions, definitions, or obligations in responding to Plaintiff's Interrogatories.

The Defendants also object to the lengthy, multiple, separate definitions used by Plaintiff because they make the Interrogatories and Requests for Production unduly burdensome, confusing, and not understandable taken alone.

INTERROGATORY NO. 1: Identify all persons who were or are, responsible for or participated in, the conception, creation, selection, or adoption of the Challenged Mark.

Answer: Ryan Hart, Ben Konowitz, Ashley Hart, and Katie Misiak. Jonathan Baldizon is a graphic designer that designed the Full Tilt Arcade & Pinball logo. Mr. Baldizon designed the logo at Mr. Konowitz's request. Additionally, Ryan Hart and Ben Konowitz made a social media post on Facebook asking individuals to suggest a name for the arcade.

INTERROGATORY NO. 2: Identify all goods and services offered for sale, sold, provided or intended to be offered for sale, sold, or provided by or for Defendant in the United States under or in connection with the Challenged Mark.

Answer: Full Tilt Arcade & Pinball is a physical location arcade located in La Porte, Indiana. The arcade includes various arcade games and pinball machines that are enjoyed by customers of all ages. From time to time, Full Tilt Arcade & Pinball acquires new arcade games and pinball machines, and in turn, sells older arcade games and pinball machines. Full Tilt Arcade & Pinball owners, Ryan Hart and Ben Konowitz, sell the arcade and pinball machines through their personal Facebook pages, Facebook Marketplace, or www.pinside.com. Additionally, Ryan Hart and Ben Konowitz have sold arcade games and pinball machines through an auction one time.

INTERROGATORY NO. 3: For each good or service required to be identified in response to Interrogatory No. 3, state the inclusive dates of actual and planned use of the Challenged Mark in connection with the good or service, including the specific date of first use of each mark for each good or service.

Answer: On or about June 8, 2022, through current.

INTERROGATORY NO. 4: For each good or service required to be identified in response to Interrogatory No. 3, state the suggested or expected retail price of the good or service.

Answer: Full Tilt Arcade & Pinball is a physical location arcade located in La Porte, Indiana. Customers must be physically present at the arcade to enjoy the use of the arcade. Full Tilt Arcade & Pinball uses a card system to charge customers to play arcade games and pinball. Cards start at \$10.00, which gives a customer 40 credits. Most arcade games and pinball machines cost between 1-4 credits. Some premium pinball machines are 6 credits to play.

INTERROGATORY NO. 5: Identify all Persons who were or are, responsible for or participating in, the marketing or advertising of any goods and services offered for sale, sold, or intended to be offered for sale or sold by or for Defendants under or in connection with the Challenged Mark.

Answer: Ryan Hart, Ben Konowitz, and Courtney Dawson.

INTERROGATORY NO. 6: Describe all channels of trade in the United States through which Defendants has offered for sale, sold, or provided or intends to offer for sale, sell, or provide goods or services under or in connection with the Challenged Mark.

Answer: Full Tilt Arcade & Pinball is a physical location arcade located in La Porte, Indiana. Customers must be physically present at the arcade in La Porte, Indiana to play arcade games and pinball. The owners of Full Tilt Arcade & Pinball infrequently sell old machines on their personal Facebook page.

INTERROGATORY NO. 7: Describe the actual purchasers of and the target purchasers of goods or services sold or planned or intended to be sold by Defendant under or in connection with the Challenged Mark.

Answer: Families with children who live near La Porte, Indiana and the Full Tilt Arcade & Pinball location. In addition, Full Tilt will occasionally host pinball tournaments which is announced on Matchplaypinball.com and IFPApinball.com. Full Tilt will have a few players from as far away as Fort Wayne, Indiana, who may participate in the pinball tournaments.

INTERROGATORY NO. 8: Identify the Person or entity that is responsible for accounting for Defendant's financial information.

Answer: Ryan Hart and Ben Konowitz.

INTERROGATORY NO. 9: Identify all persons that furnished information for the response to these interrogatories, designating the number of each interrogatory for which such persons furnished information.

Answer: Ryan Hart and Ben Konowitz.

I hereby swear or affirm under the penalties of perjury that the above and foregoing statements are true and accurate to the best of my knowledge and belief.

Dated: 3-11-2024

Ryan Hart
Name

Respectfully submitted,

HUNT SUEDHOFF KEARNEY LLP

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Certificate of Service

I certify that a true and exact copy of the foregoing was served upon all parties of record this 11th day of March 2024, via e-mail:

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